

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3074 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

VARSHABEN PANKAJKUMAR DESAI

Versus

STATE OF GUJARAT

Appearance:

MR KB ANANDJIWALA for Petitioner
MR H. H. PATEL for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 26/06/2000

ORAL JUDGEMENT

#. Rule. Mr.H.H.Patel, learned A.P.P. for the state
and Mr.S.V.Raju, learned advocate for the opponent no.2
waives service of rule.

#. By this application the petitioner who has come back pursuant to the order of Court from America, prays for return of the passport she has surrendered as she now wants to go back to America, because her daughter is sick and she is required to attend etc.

#. During the course of hearing it is the submission of the learned advocates representing the parties that the parties have settled their dispute and the said settlement is reduced into writing, but is not signed. The concerned parties are not present before the Court, but taking their consent their elders have settled matter. In view of such settlement if the passport is returned to the petitioner, and permitted to go to America, the prosecution will not have to suffer. By such submission the court is urged to allow this application.

#. At this stage Mr.Raju, learned advocate submits the draft of the settlement arrived at without any signature. The same be taken on record.

#. For the aforesaid reasons, the application is allowed. The Judicial Magistrate (First Class) at Surat D- Court is directed to hand over the passport to the present petitioner on the terms and conditions which he thinks it fit to impose. Rule accordingly made absolute. D.S. is permitted.

kks